

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID McCHESNEY,

Plaintiff,

vs.

9:08-CV-1186
(NAM/DEP)

MICHAEL F. HOGAN, Commissioner,
New York State Office of Mental Health, *et al.*,

Defendants.

DAVID McCHESNEY,

Plaintiff,

vs.

9:08-CV-1290
(DNH/DEP)

MICHAEL F. HOGAN, Commissioner, New York
State Office of Mental Health, *et al.*,

Defendants.

APPEARANCES:

David McChesney
25527-604
CNY Psychiatric Center
P.O. Box 300
Marcy, New York 13403
Plaintiff, *Pro Se*

Hon. Norman A. Mordue, Chief U.S. District Judge

MEMORANDUM-DECISION AND ORDER

Plaintiff, an inmate in the custody of the New York State Department of Correctional Services (“DOCS”), brought two actions for injunctive relief under 42 U.S.C. § 1983. Plaintiff moves in each case (Case No. 9:08-CV-1186, Dkt. No. 2; Case No. 9:08-CV-1290, Dkt. No. 3) for a preliminary injunction and temporary restraining order.

The motions were referred to United States Magistrate Judge David E. Peebles for a report

and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c). Magistrate Judge Peebles issued a Report and Recommendation and Order (Case No. 9:08-CV-1186, Dkt. No. 4; Case No. 9:08-CV-1290, Dkt. No. 4) consolidating the actions, granting other non-dispositive relief, and recommending denial of the motions for preliminary injunctive relief.

Plaintiff has filed an Objection (Case No. 9:08-CV-1186 (Lead Case), Dkt. No. 6) to the recommendation that this Court deny the motions for preliminary injunctive relief. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court reviews *de novo* those parts of a report and recommendation to which a party specifically objects.

The Court has carefully reviewed the entire file, including the 72 pages of exhibits attached to plaintiff's Objection. Upon *de novo* review, the Court adopts the Report and Recommendation and denies plaintiff's motions for a preliminary injunctive relief.

It is therefore

ORDERED that the Report and Recommendation (Case No. 9:08-CV-1186, Dkt. No. 4) of United States Magistrate Judge David E. Peebles is adopted; and it is further

ORDERED that the motions for injunctive relief (Case No. 9:08-CV-1186, Dkt. No. 2; Case No. 9:08-CV-1290, Dkt. No. 3) are denied.

IT IS SO ORDERED.

Date: March 9, 2009


Norman A. Mordue
Chief United States District Court Judge